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REMARKS

This is a response to the Office Action mailed 11/28/2006. Claims 1-9, 11-19, 25-29, 32, 33, and 36 are pending. This Office Action incorrectly stated that claims 12-14 were cancelled. However, Applicant respectfully submits that claims 12-14 are not cancelled. Claims 10, 20-24, 30, 31, 34, and 35 were cancelled at the time that the amendment was rendered. Claim 19 is cancelled by this amendment.

In the Office Action, the Examiner rejected claims 1-9, 11, 28, and 29 under 35 U.S.C. 102(e) as being anticipated by DeKalb and rejected claims 15-18 and 25-27 under 35 U.S.C. 103(a) as being unpatentable over DeKalb. Further, the Examiner stated that claims 32, 33, and 36 are allowed and that claim 19 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 19 has been rewritten in independent form including all of the limitations of the base claim and any intervening claims. That is, claim 1 has been amended to include the substance of claim 19. Therefore, it is respectfully submitted that amended independent claim 1 and claims 2-18 that depend therefrom are allowable.

Further, the Examiner stated that the prior art of record fails to teach an earpiece comprising a generally arcuate rib and a generally vertical rib formed so as to generally define the letter D, and also comprises a boss having a bore formed therethrough, the boss being formed to the generally vertical rib; wherein the earpieces is sufficiently symmetrical to be configured for use in either the right or left ear. Independent claims 25, 28, and 29 have been amended so as to substantially recite these limitations. As such, it is respectfully submitted that amended independent claims 25, 28, and 29, as well as claims 26 and 27 that depend therefrom, are allowable.

Applicant traverses the remaining rejections and reserves the right to pursue the subject matter of the rejected claims, such as in a continuation patent application.

In view of the foregoing, it is respectfully submitted that claims 1-18, 25-29, 32, 33, and 36 are in condition for immediate allowance.

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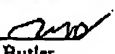
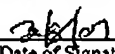
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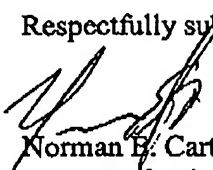
CONCLUSION

It is therefore respectfully submitted that all of the claims of the subject patent application are in condition for immediate allowance. Reconsideration and an early allowance are therefore requested.

If the Examiner has any questions or concerns, a telephone call to the undersigned at (949) 752-7040 is welcomed and encouraged.

Certification of Facsimile Transmission	
I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.	
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Respectfully submitted,

  
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